WP(C) 800/2007
BEFORE
THE HON'BLE MR. JUSTICE B.K. SHARMA

I have heard Mr. N. Choudhury, learned counsel for the petitioner. I have also heard Mr. S. Barua, learned Standing Counsel, Pollution Control Board, Assam.

The petitioner, a Sr. Environment Engineer under the Pollution Control Board has filed this writ petition making a grievance against the various notices issued to him asking him to furnish explanation to the allegation indicated in the notices and also for personal appearance before the Enquiry Committee at Guwahati. The petitioner is presently posted at Silchar. On perusal of the documents annexed to the writ petition, it appears that leveling certain allegations, show cause notices have been issued to the petitioner asking him to furnish explanation as to why disciplinary action should not be taken against him. It is the case of the petitioner that the impugned notices could not have been respond by the respondent without taking recourse to the provisions laid down in law.

Mr. Barua, learned Standing Counsel, PCB, who was requested to obtain instruction submits that the writ petition is premature inasmuch as no disciplinary action has been taken against the petitioner as contemplated under the rules. According to him, show cause notices are only in respect of a preliminary inquiry. However, from Annexure-12 notice dated 3.2.2007, it is seen that the petitioner has been directed to appear before the Enquiry Committee at Guwahati. It is in this regard, the petitioner has expressed apprehension that the respondent in fact have constituted Inquiry Committee, and based on the findings to be arrived at by the Inquiry Committee, the petitioner is likely to be imposed with penalty. This, according to the petitioner, cannot be done without following the due procedure as laid down under the rules. However, Mr. Barua, learned Standing Counsel, PCB submits that even Annexure-12 notice is in respect of a preliminary enquiry and not pertaining to any regular disciplinary proceeding.

In view of the above, I dispose of the writ petition providing that the on the basis of the show cause notices and the explanation furnished by the petitioner, he shall not be imposed with any penalty. This order is passed having regard to the submissions made by Mr. Baruah, learned Standing Counsel, PCB that the show cause notices are not in respect of any regular disciplinary proceeding, but are only as a measure of preliminary enquiry.

Writ petition is disposed of.